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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,444	06/24/2003	Michael D. Oldham	100200681-1	9424

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/602,444	Applicant(s) OLDHAM ET AL.	
	Examiner THJUAN K. ADDY	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 04, 2009 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-20 are still pending in this application, with claims 1, 6, 8, and 15 being independent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris et al. (US 6,704,412).
3. In regards to claim 1, Harris discloses a method of routing voice communications (See col. 1 lines 10-13), comprising: a) establishing a first path between a remote originating node (See Fig. 9 and customer terminal 18) and a gateway (See Fig. 9 and interface 68) using a first channel of a circuit-switched network (See Fig. 9 and telephone system 14), wherein the gateway is communicatively coupled to the circuit-

switched network and a packet-switched network (See Fig. 9 and packet switched network 69 or internal network/local area network 62); and b) establishing a second path between an answering node (See Fig. 9 and remote CSR terminal 15) and the gateway using a second channel of the circuit-switched network if the answering node is remote relative to the gateway, wherein the first and second paths collectively form a bi-directional communication path (See col. 11 lines 40-48 and col. 13 lines 6-33).

4. In regards to claim 2, Harris discloses the method further comprising: c) establishing the second path between the answering node and the gateway using the packet-switched network, if the answering node (See Fig. 9 and in-house CSR terminal 15a) is local relative to the packet-switched network (See col. 11 lines 7-14 and col. 11 lines 49-54).

5. In regards to claim 3, Harris discloses the method further comprising: c) communicating voice data between the first and second nodes through the gateway (See col. 12 lines 53-60).

6. In regards to claim 5, Harris discloses the method wherein at least one of the originating and answering nodes is circuit-switched subscriber equipment comprising a selected one of a telephone, modem, and facsimile apparatus (See Fig. 9, customer terminal 18, remote CSR terminal 15, and in-house CSR terminal 15a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US 6,704,412), in view of Armistead (US Patent Application, Pub. No.: US 2005/0025134 A1)

8. In regards to claim 4, Harris discloses all of claim 4 limitations, except the method wherein the gateway performs the following steps: i) converting first circuit-switched voice data received from the circuit-switched network into packet-switched voice data; ii) converting packet-switched voice data into second circuit-switched voice data for any packet designating a remote destination node; and iii) routing the second circuit-switched data to the remote destination node across the circuit-switched network. Armistead, however, does disclose i) converting first circuit-switched voice data received from the circuit-switched network into packet-switched voice data; ii) converting packet-switched voice data into second circuit-switched voice data for any packet designating a remote destination node; and iii) routing the second circuit-switched data to the remote destination node across the circuit-switched network (See pg. 1, paragraph [0008]; pg. 2, paragraph [0020]; and pg. 2, paragraph [0026]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these limitations within the method, as a way of providing a

Art Unit: 2614

mechanism for re-routing calls from a packet-switched connection to a circuit-switched connection, or from a circuit-switched connection to a packet-switched connection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Armistead (US Patent Application, Pub. No.: US 2005/0025134 A1).
10. In regards to claim 6, Armistead discloses a method of routing voice communications between first (See Fig. 4 and calling party 20) and second (See Fig. 4 and called party 22) nodes of a communication system, comprising: a) converting first circuit-switched voice data received from a remote first node on a first channel of a circuit-switched network to packet-switched voice data; and b) routing the packet-switched voice data to the second node, only if the second node is local to the packet-switched network (See pg. 1, paragraph [0008]; pg. 2, paragraph [0020]; and pg. 2, paragraph [0026]).
11. In regards to claim 7, Armistead discloses the method further comprising: c) converting the packet-switched voice data to second circuit-switched voice data; and d)

routing the second circuit-switched voice data to the second node, if the second node is remote from the packet-switched network (See pg. 1, paragraph [0010]).

12. In regards to claims 8 and 15, Armistead discloses the apparatus for communicating between two nodes (See Fig. 4, calling party 20, and called party 22) of a communication system, comprising: a gateway (See Fig. 7 and gateway 60), wherein the gateway converts first circuit-switched voice data received from a remote first node on a first channel of a circuit-switched network to packet-switched voice data, wherein the gateway converts the packet-switched voice data to second circuit-switched voice data for any packet designating a remote second node, wherein the gateway communicates the second circuit-switched voice data to the remote second node using a second channel of the circuit-switched network (See pg. 2-3, paragraph [0027] – [0028]).

13. In regards to claim 9, Armistead discloses the apparatus wherein the packet-switched voice data is routed to a local second node using a packet-switched network for any packet designating the local second node (See pg. 3, paragraph [0028]).

14. In regards to claims 10 and 16, Armistead discloses the apparatus wherein at least one of the first and second nodes is communicatively coupled to the gateway through both the circuit-switched network and the packet-switched network (See Fig. 4).

15. In regards to claims 11 and 17, Armistead discloses the apparatus wherein the first channel carries analog data on an analog subscriber line (See pg. 2, paragraph [0019]).

16. In regards to claims 12 and 18, Armistead discloses the apparatus wherein the

Art Unit: 2614

first channel carries digital data on a digital subscriber line (See pg. 2, paragraph [0019]).

17. In regards to claims 13 and 19, Armistead discloses the apparatus wherein the digital subscriber line is time division multiplexed (e.g., TDM) (See pg. 2, paragraph [0025]).

18. In regards to claims 14 and 20, Armistead discloses the apparatus wherein the first channel defines a connection between the gateway and subscriber equipment of the first node, wherein the subscriber equipment is a selected one of a modem, telephone, and facsimile apparatus (See Fig. 4, calling party 20, and called party 22).

Response to Arguments

19. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614